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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,545	04/07/2005	Nobuo Mizutani	02-146-TN	5457
23400	7590	02/03/2006	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			MULLINS, BURTON S	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/530,545

Applicant(s)

MIZUTANI ET AL

Examiner

Burton S. Mullins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0405, 1205.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statements submitted on April 7, 2005 and December 13, 2005 have been considered by the examiner. The JP-U-H04-80260 reference has not been considered because a copy was not provided and no copies were readily available. Applicant is requested to submit a copy of this reference.

***Claim Rejections - 35 USC § 112***

3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the phrase "a yoke housing that rotatably houses an armature" is indefinite because it is not clear if this means the yoke housing or the armature rotates. The phrases "holder-side connecting portion" and "connector-side connecting portion" in claims 1-2, 5, 8 and 9 are indefinite because it is not clear what the adjectives "holder-side" or "connector-side" mean given the connector portions are part of the respective "holder" and "connector".

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In claim 2, recitation "...are connected with each other in a direction, which coincides with a direction of assembly of both the housings" is clumsy, redundant language.

In claim 3, delete ", which is".

In claim 8, recitation "in a direction of connecting the holder-side connecting portion with the connector-side connecting portion" makes no sense.

In claim 9, recitation "...in a direction of connecting the holder-side connecting portion with the connector-side connecting portion" makes no sense. Further, "clamping both the connecting portions between the yoke housing and the gear housing while the holder-side connecting portion and the connector-side connecting portion are connected with each other" is vague, indefinite and redundant.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5-6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Adam et al. (US 5,444,315). Adam teaches a motor comprising: a yoke housing 1 that

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rotatably houses [sic] an armature (not shown, inherent), wherein the armature has a rotatable shaft (not shown, inherent) and a commutator (not shown, inherent); a gear housing 2 that is integrally assembled to the yoke housing and houses a speed reducing mechanism for decelerating rotation of the rotatable shaft (not shown, inherent); a brush holder 8 that holds brushes (not shown, inherent) in slidable contact with the commutator (inherent); and a connector portion (inelastic carrier) 3 for supplying the brushes with power from an external source (via electric lines 6/7), the motor being characterized in that: the brush holder 8 has a holder-side connecting portion (contact recesses) 81/82; the connector portion 3 has a connector-side connecting portion (contact plugs 61/62) for electrical and mechanical connection with the holder-side connecting portion (c.2, lines 52-56); and both the connecting portions are brought into connected state and clamped between the yoke housing 1 and the gear housing 2 (arrows, Fig.1) .

Regarding claim 2, the method limitations have not been given patentable weight because the claim is an apparatus claim. Nevertheless, Adam's yoke and gear housings are connected together along a direction parallel to the shaft axis (Fig.2), as are the connecting portions 81/82 and 61/62.

Regarding claim 3, the connector portion 3 has support cams 31 and hooks 33 which both inherently restrain movement in a direction orthogonal to the shaft axis.

Regarding claim 5, the method limitations have not been given patentable weight because the claim is an apparatus claim. Nevertheless, Adam's brush holder 8 has holder-side

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connection terminals 61/62 for electrical connection with connector-side connecting terminals 81/82 of connector portion 3.

Regarding claim 6, note seals 4/5 on the connector portion 3.

Regarding claim 8, as best understood, the connector portion 3 has first connecting portions 32 which engage second engaging portions 22 of the gear housing 2 during assembly to engage the connector 3 with the gear housing 2 (c.2, lines 42-47).

Regarding claim 9, as best understood, the connector portion 3 has first connecting portions 32 which engage second engaging portions 22 of the gear housing 2 during assembly to engage the connector 3 with the gear housing 2 (c.2, lines 42-47). Further, the connecting portions 81/82 and 61/62 are clamped between the yoke 1 and the gear housing 2.

6. Claims 1-2, 4 and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuyama et al. (US 6,903,473). The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131. Matsuyama teaches a motor comprising: a yoke housing 4 that rotatably houses an armature 6 (Fig.8), wherein the armature has a rotatable shaft 7 and a commutator (not numbered, Fig.8); a gear

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housing 76 that is integrally assembled to the yoke housing 4 and houses a speed reducing mechanism 3 for decelerating rotation of the rotatable shaft 7; a brush holder 72 that holds brushes 9 in slidable contact with the commutator (Fig.8); and a connector portion (circuit board) 77 for supplying the brushes with power from an external source, the motor being characterized in that: the brush holder 72 has a holder-side connecting portion (terminal) 29; the connector portion 77 has a connector-side connecting portion (terminals) 18 for electrical and mechanical connection with the holder-side connecting portion (Fig.9); and both the connecting portions 29 and 18 are brought into connected state and clamped between the yoke housing 4 and the gear housing 76 (Fig.9).

Regarding claim 4, note screws securing the yoke 4 to the gear housing 76, with connecting portions 18/29 between at least two of the screws (Fig.9).

Regarding claim 6, note seal S.

Regarding claim 7, the connector 77 comprises a circuit board with motor control components thereon, e.g., IC 17, relay 15, capacitor 16, etc.

Regarding claims 8 and 9, the connector portion or circuit board 77 abuts against gear housing 76; therefor, first and second “engaging portions” can be said to exist.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. (US 5,444,315) in view of Sekine et al. (US 5,025,184). Adam does not teach plural fixing portions for securing the yoke to the gear housing. Sekine teaches a prior art power window motor and gear case wherein the motor yoke/case 53 is fixed to the gear housing 52 by plural fixing portions or screws 54 (Fig.8; c.1, lines 12-25). It would have been obvious to modify Adam and provide plural fixing portions per Sekine to fix the motor case to the gear housing.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. (US 5,444,315) in view of Adam et al. (US 5,528,093). Adam '315 does not teach a connector portion including a control. Adam '093 teaches an electronic housing 3 located between motor housing 1 and gear housing 2. The housing 3 includes motor control circuitry such as relay 4.3 and chip plate 4.4 which control the motor. The assembly provides compact construction for the electronics (c.1, lines 45-49). It would have been obvious to modify the connector of Adam '315 and provide an integral control portion per Adam '093 to construct the electronics compactly.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Burton S. Mullins whose telephone number is 571-272-2029. The examiner can normally be reached on Monday-Friday, 9 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Burton S. Mullins  
Primary Examiner  
Art Unit 2834

bsm  
30 January 2006